

REMARKS/ARGUMENTS

Claims 32-58 are active in this application. Support for the amendments is found in Claims 1-31 and the specification as originally filed: page 7, line 9 to page 8, line 14; page 10, line 1-10; page 14, line 20 to page 15, line 13; page 16, lines 4-9; and page 16, lines 18-23. No new matter is added by these amendments.

Applicants would like to thank the Examiner for rejoining elected Group V with Groups IV and VII. Claims 32-58 are drawn to the elected subject matter that is the processing for preparing D-pantothenic acid using a recombinant modified coryneform bacterium.

Applicants have amended the specification to remove reference to an incorrect priority application. The correct priority applications are German Application No. DE 10048604.5 filed September 30, 2000 and German Application No. DE 10117085.8 filed April 6, 2001 which are also provided in the application data sheet and the declaration of the inventors, both of which are already of record in this case. Copies of certified English translations of the priority documents are also attached hereto.

A copy of the Information Disclosure Statement filed March 6, 2002 is again attached hereto with the publication date of reference "AW" noted and another copy of the reference for the Examiner's consideration.

The rejections of Claims 1, 5-12, 18 and 31 under 35 U.S.C. § 112, first paragraph are obviated by the cancellation of the claims.

Claims 32-58 are described and enabled for the following reasons. Claims 32-57 presented to more clearly describe the invention. The specification describes a process for producing D-pantothenic acid using microorganisms in which the *poxB* gene product, which is a pyruvate oxidase, has been "attenuated", see e.g., page 4, lines 15-20. Detailed written

support and guidance is provided throughout the specification. In particular, Applicants direct the Examiner's attention to the following in the specification:

- page 4, line 21 through page 5, line 4 describes reducing gene expression and/or enzymatic activity can be accomplished in a number of ways;
- page 7, line 19 through page 8, line 14 describes these reductions further;
- page 11, line 8 to page 14, line 19 describes even further details of making and using recombinant Coryneform bacteria to produce D-pantothenic acid.

Applicants respectfully submit that both grounds of rejection under 35 U.S.C. § 112, first paragraph would not apply to the pending claims, in which the amount or activity of the poxB gene product in a recombinant modified coryneform bacterium is compared to that of an unmodified starting strain. Further, Applicants submit that it would not require undue experimentation to make and/or use the claimed invention. Accordingly, withdrawal of this ground of rejection is requested.

The rejection of Claims 1, 5-8, 10-12, 14-18 and 31 under 35 U.S.C. § 112, second paragraph is obviated by the cancellation of the claims. Claims 32-58 do not include the term "attenuated." Similarly, Claim 56 includes "polynucleotide" rather than "nucleotide sequence" as suggested by the Examiner. The poxB gene product is defined in the claims as being pyruvate oxidase. All other issues are addressed by amendment.

The objections to the claims are addressed by amendment.

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In view of the above amendments and remarks, Applicants submit that this application is now in condition for allowance. Early notification of such is requested.

Respectfully submitted,

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